REMARKS

Applicants have thoroughly considered the Examiner's remarks in the January 26, 2009 Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment D amends claims 1, 9, and 17-20 and adds new claims 21-23. No new matter has been added. Therefore, claims 1-5, 8-13, and 16-20 are presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Claim Objection

Claim 9 stands objected due to informalities. Applicants have amended claim 9 to correct the informalities. In particular, the misspelled word has been removed. Hence, the objection of claim 9 should be withdrawn.

Claim Rejections Under 35 U.S.C. § 101

Claims 17-19 stand rejected under 35 USC §101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 17-19 as suggested by the Examiner in the January 14, 2009 telephone conference with the undersigned Applicants' representative. As amended, claims 17-19 recite "computer storage medium" which is supported by at least paragraph [0025] of the specification. Applicants respectfully submit that claims 17-19 are not directed to merely a form of energy, such as signals but are directed to statutory subject matter. Hence, the rejection of claims 17-19 under 35 USC §101 should be withdrawn.

Claim Rejections under 35 USC §112

Claim 9 stands rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicants have amended claim 9 to more clearly recite aspects of the invention thus reasonably conveying to one of ordinary skill that Applicants possessed the claimed invention at the time the application was filed. The amendment is supported by at least paragraph [0038] of the specification, which describes verification of the unique identifiers emailed from one client computing device to another at a previously known address for determining whether the recipient of a digital object should trust the sender. Moreover, the

specific "confirmation" language has been removed from this claim. Therefore, Applicants respectfully submit that the rejection of claim 9 under 35 USC §112, first paragraph should be withdrawn.

Claim Rejections under 35 USC §103(a)

Claims 1-4, 8-12, 16-18, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Pat. No. 7127513 to Pabla et al. in view of US Pat. No. 7024690 to Young et al. Applicants respectfully submit that the combined references of Pabla and Young fail to teach or suggest each and every element of the amended claims.

In particular, Applicants respectfully submit that Pabla and Young fail to disclose at least the following features recited in the amended claims:

1)   An electronic mail protocol communication is established between the first client and the second client after the P2P communication is recognized;

2)   The established e-mail protocol communication is separate from the P2P communication; and

3)   The e-mail protocol of the established communication is Simple Mail Transport Protocol (SMTP).

Applicants respectfully submit that Pabla fails to show every feature recited in the claims because Pabla does not establish a separate e-mail protocol communication for the P2P clients to exchange information. Specifically, Applicants respectfully submit that Pabla merely discloses trying to establish a secured chat session such that two or more peers in the P2P communication can exchange secured messages. For example, col. 5, lines 49-51 of Pabla merely disclose "two peers 300 may negotiate to determine the terms and conditions for the session." Pabla goes on to describe generating of a public key and "if peer 300A wants to have a secured session with peer 300B, then peer 300A may send a message 306 including the public key 304 to peer 300B." Pabla, col. 5, lines 56-58. Thereafter, Pabla merely describes that "Peer 300B may receive the message 306 including the public key 304. It may then be determined on peer 300B if the requested secured session is to be established." Pabla, col. 5, lines 66-67. In other words, Pabla fails to disclose how this requested secure session is established and by what means.

Furthermore, the Office cites col. 21, lines 23-29 of Pabla with respect to "establishing an electronic mail protocol between the first client and the second client, said e-mail protocol, being

separate from the P2P communication, comprising Simple Mail Transport Protocol (SMTP)…" because Pabla discloses "**Active content** items may be recognized by Multi-Purpose Internet Mail Extensions (MIME) content type and subtype (emphasis added)." However, Applicants respectfully submit that the fact MIME is mentioned fails to disclose or suggest "establishing an electronic mail protocol <u>communication</u> between the first client and the second client <u>after the P2P communication is recognized</u>, said e-mail protocol <u>communication</u> being separate from the P2P communication, said e-mail protocol communication being established by Simple Mail Transport Protocol (SMTP)…" While e-mail messages transmitted over SMTP may be in MIME standard, MIME generally describes "an internet standard that extends the format of e-mail to support: text in character sets other than ASCII, non-text attachments, message bodies with multiple parts, and header information in non-ASCII character sets."[1] Moreover, Pabla's discussion of MIME type is in the context of shared content that is managed by a content management service. "One motivation for grouping peers together is to **share content**. Types of content items that may be shared **include**… and **active content like a network service** (emphasis added)." Therefore, just because active content is recognized by the MIME content type fails to suggest the feature of establishing an e-mail protocol communication between the first client and the second client.

As described in the present invention, use of Simple Mail Transport Protocol (SMTP), for example, for email exchange separate from the P2P communication advantageously solves the bootstrapping problem of computer identities for P2P communication. In this manner, aspects of the invention permit establishing a logically secure communication channel over a physically insecure network without third party mediation (such as, Certificate Authorities) and free from spoofing.

Applicants further respectfully submit that Young fails to cure the deficiencies of Pabla. In addition, Young discloses a system that requires a user sending or challenging an access point 210. Young, col. 5, line 2. In other words, the communication in Young is between a client and an access point, which is the authority to authenticate the client. There is no direct communication between two client devices.

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[1] See also RFC 2045, 2046, 2047, 2048 and 2049.

Therefore, Applicants respectfully submit that the combined references of Pabla and Young fail to disclose or suggest each and every element of the amended claims. Hence, the rejection of claims 1-4 and 8 under 35 U.S.C. §103(a) should be withdrawn.

Claim 9 is clarified to recite "transmitting from the second client to a previously known address of the first client, via the electronic mail protocol communication, a second e-mail message comprising the second UID and a copy of the first UID; verifying the copy of the first UID is identical to the first UID at the first client..." As discussed above, the cited references fails to establish the e-mail protocol communication separately from a P2P communication. As such, the cited references fail to teach sending of e-mail messages between the first client and the second client having UIDs. Consequently, the cited references fail to disclose or suggest verification of the first UID at the first client. For at least the reasons above, Applicants respectfully submit that the combined references of Pabla and Young fail to disclose or suggest each and every element of the amended claim 9. Hence, the rejection of claim 9 and its dependent claims under 35 U.S.C. §103(a) should be withdrawn.

Claim 17 is amended to clarify the feature of "establishing an electronic mail protocol communication between the first client and the second client, said e-mail protocol communication, being separate from the P2P communication, comprising a protocol operating Simple Mail Transport Protocol (SMTP)..." Because Pabla merely describes establishing a secured chat sessions in a P2P network, Applicants respectfully submit that the combined references of Pabla and Young fail to disclose or suggest each and every element of the amended claim. Hence, the rejection of claim 17 and its dependent claims under 35 U.S.C. §103(a) should be withdrawn.

Amended claim 20 further clarifies that "a network interface recognizing a peer-to-peer (P2P) communication between a first client and a second client, said first client attempting to exchange a public key securely with said second client via the P2P communication; the network interface establishes an electronic mail protocol communication between the first client and the second client, said e-mail protocol, being separate from the P2P communication, comprising a protocol operating Simple Mail Transport Protocol (SMTP)..." Moreover, the combined references of Pabla and Young merely disclose a secured session within the P2P communication between two clients and fail to disclose establishing an e-mail protocol communication separately from the P2P communication for the purpose of exchanging UIDs. In addition,

embodiments of the invention disclose exchanging e-mail messages using the previous known e-mail addresses of the first client and the second client and not just to any e-mail addresses that to which or from which the e-mail messages are sent or received. For at least the reasons noted above, Applicants respectfully submit that the combined references of Pabla and Young could not disclose or suggest each and every element of the amended claim 20. Hence, the rejection of claim 20 under 35 U.S.C. §103(a) should be withdrawn.

Claims 5, 13 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pabla, Young and Dierks. Applicants respectfully submit that claim 5 depends from claim 1, claim 9 depends from claim 13 and claim 19 depends from 17. For at least the reasons above, Applicants respectfully submit that the combined references of Pabla, Young and Dierks fail to disclose or suggest each and every element of the rejected claims. Hence, the rejection of claims 5, 13 and 19 under 35 U.S.C. §103(a) should be withdrawn.

New claims 21-22 further provide distinguishable features that are patentable over the cited art. For example, the combined references of Pabla and Young fail to disclose or suggest "using the e-mail address from the second client to index the first UID after verifying the copy of the first UID is identical to the first UID at the first client." Advantageously, this aspect allows the first client to trust that the digital object (e.g., a public key) received from the second client, and vice-versa, is authentic. Because the cited references fail to disclose or suggest the use of e-mail messages to exchange the UIDs in a separate communication, Applicants respectfully submit that the combined references fail to disclose or suggest using of the e-mail address from the second client to index the first UID. Hence, Applicants respectfully submit that claims 21-22 are also patentable over the cited references.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and

encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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